

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 8 is rejected as being directed to non-statutory subject matter because dependent claim 8, recites in the preamble "A software executable to process video information to generate corresponding output data according to claim 1". Claim limitation reciting a software executable "is non-statutory the claim may be amended to include explicit limitation of "A non-transitory computer readable medium containing computer program to implement a method" such as computer memory, RAM, SRAM, DRAM etc. The specification does not define any computer readable medium. Further specification should be amended to define explicitly non-transitory computer readable medium such as memory, RAM, SRAM, DRAM etc and avoid transitory computer readable medium such as wire/wireless transmission, carrier wave or propagating signal. Examiner would suggest to make claim 8 independent claim which should include all limitations of claim 1.

3. Claim 9 is rejected as being directed non-statutory subject matter because dependent claim 9, recites in the preamble "Encoded output data generated using the method of claim 1". Dependent claims 9 do not fit any of the four statutory classes of the invention, process, machine, manufacture or composition matter. Encoded output data, is analogous to the information content of printed matter, which is non-statutory. Furthermore claim 9 is improper dependent claim.

4. Claim 10 is rejected as being directed non-statutory subject matter because dependent claim 10, recites in the preamble "A data carrier having thereon stored encoded output data according claim 9". Dependent claims 10 do not fit any of the four statutory classes of the invention, process, machine, manufacture or composition matter. A data carrier having thereon stored encode output data, is analogous to the information content of printed matter, which is non-statutory. Furthermore claim 10 is improper dependent claim.

Allowable Subject Matter

5. Claims 1-7 are allowable over prior art of record. Claim 8 would also be allowable if Applicant overcome rejection under 35 USC 101.

Communication

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherali Ishrat whose telephone number is 571-272-7398. The examiner can normally be reached on 8:00 AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sherali Ishrat/
Primary Examiner, Art Unit 2624

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